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8 Attorney for Petitioner **Demar Barnes**

9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 DEMAR RAHYMES BARNES,

13 Petitioner,

14 v.

15 D.W. NEVEN, et al.,

16 Respondents.

Case No. 2:14-cv-01946-RFB-PAL

**MOTION FOR EXTENSION OF TIME
TO FILE AN OPPOSITION TO
RESPONDENTS MOTION TO
DISMISS**

(SECOND REQUEST)

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18 The Petitioner, Demar Rahymes Barnes, by and through his attorney of record,
19 Jason F. Carr, Assistant Federal Public Defender, moves this Court for an
20 enlargement of time of eight (8) days from December 6, 2016, to December 14, 2016
21 to, in which to file an Opposition to Respondents Motion to Dismiss. This motion is
22 based upon the attached points and authorities and all pleadings and papers on file
23 herein.

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1 DATED this 6th day of December 2016.

2 Respectfully submitted,
3 RENE L. VALLADARES
4 Federal Public Defender

5 /s/ Jason F. Carr

6 JASON F. CARR
7 Assistant Federal Public Defender
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POINTS AND AUTHORITIES

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2 1. On March 31, 2016, the Law Office of the Federal Public Defender “FPD”
3 was appointed to represent Petitioner in the above-entitled action. (*See* ECF No. 11.)
4 After the Federal Public Defender Office conducted a conflict check and it was
5 determined that there were no conflicts, Assistant Federal Public Defender Jason F.
6 Carr filed his Notice of Representation on April 15, 2016. (*See* ECF No. 12.) On
7 September 29, 2016, Barnes filed his Amended Petition and supporting exhibits. (See
8 ECF Nos. 21, 22.) Respondents filed their Motion to Dismiss on October 25, 2016.
9 (*See* ECF No. 25.) Counsel for Petitioner requested an extension of time of twenty-
10 five day to file the Opposition to Motion to Dismiss. (*See* ECF No. 26.) This is the
11 second request for an extension of time.

12 2. The additional period of time is necessary in order to effectively and
13 thoroughly represent Mr. Barnes. This motion is not filed for the purposes of delay
14 but in the interests of justice, as well as in the interests of Mr. Barnes.

15 3. An extension of time to file the Reply is necessary given my obligations
16 in other cases, including: a Second Amended Petition for Writ of Habeas Corpus filed
17 on October 28, 2016 in *Gallegos v. Baca*, Nevada District Court No. 3:15-cv-00254-
18 RCJ-VPC; an Opposition to Dismiss filed on November 2, 2016 in *Hawes v. Palmer*,
19 Nevada District Court No. 3:10-cv-00655-RCJ-VPC; an Oral Argument on November
20 17, 2016 in *USA v. Toliver*, Ninth Circuit Court of Appeals No. 15-15439; an
21 Opposition to Motion to Strike filed November 22, 2016 in *Peters v. Neven*, Nevada
22 District Court No. 2:14-cv-1055-RFB-VCF; an Opposition to Motion to Dismiss in
23 *Barnes v. Neven*, Nevada District Court No. 2:14-cv-01946-RFB-PAL, due December
24 6, 2016; an Opening Brief in *Shropshire v. Baca*, Ninth Circuit Court of Appeals No.
25 16-15214, due December 8, 2016; and a Reply in *Ramirez v. Baker*, Nevada District
26 Court No. 3:13-cv-00025-MMD-VPC, due December 12, 2016.

IT IS SO ORDERED:

IT IS SO ORDERED:

A handwritten signature in black ink, consisting of a stylized 'R' and 'B' intertwined.

RICHARD F. BOULWARE, II
United States District Judge

DATED this 29th day of December, 2016.

CERTIFICATE OF SERVICE

In accordance with the Rules of Civil Procedure, the undersigned hereby certifies that on this 6th day of December 2016, I electronically filed a true and correct copy of the foregoing with the United States District Court. Electronic service of the foregoing document shall be made in accordance with the master service list as follows:

Victor-Hugo Schulze, II
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/s/ Jason F. Carr

Assistant Federal Public Defender